

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

TRANSMETA CORPORATION,

Plaintiff and Counterclaim Defendant,

v.

INTEL CORPORATION,

Defendant and Counterclaim Plaintiff.

Civil Action No. 06-633-GMS

**INTEL CORPORATION'S MOTION TO STAY THIS ACTION PENDING  
REEXAMINATION OF TRANSMETA'S PATENTS-IN-SUIT**

Intel hereby moves to stay this action pending final resolution of the reexaminations of all eleven of Transmeta's patents-in-suit. As set forth in detail in the accompanying brief, a stay is appropriate here because it will simplify and conserve the Court's and the parties' resources, this litigation is in its early stages (with written discovery just commencing and trial not set to begin until December 2008), and Transmeta will not be unduly prejudiced by a stay because, *inter alia*, it claims that it no longer makes any products but rather bases its business model entirely on collecting royalties.

Undersigned counsel hereby certifies pursuant to Local Rule 7.1.1 that the relief sought in this motion was discussed between the parties during the Rule 16 scheduling process and at the Rule 16 scheduling conference, and that the parties are unable to agree to the appropriate relief.

Intel therefore respectfully requests that the Court grant its motion to stay this action pending final resolution of all of the reexaminations of the Transmeta patents-in-suit. Intel would consent to stay its counterclaims (including its claims that Transmeta infringes seven

Intel patents) during the pendency of the reexaminations of Transmeta's patents-in-suit even though Transmeta has not filed any requests to reexamine Intel's patents-in-suit.

Respectfully submitted,

/s/ Karen E. Keller (No. 4489)

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Josy W. Ingersoll (No. 1088)  
John W. Shaw (No. 3362)  
Karen E. Keller (No. 4489)  
YOUNG CONAWAY STARGATT & TAYLOR, LLP  
The Brandywine Building  
1000 West Street, 17th Floor  
Wilmington, DE 19801  
(302) 571-6600  
kkeller@ycst.com

Attorneys for Defendant Intel Corporation

OF COUNSEL:

Matthew D. Powers  
Jared Bobrow  
Steven S. Cherensky  
WEIL, GOTSHAL & MANGES LLP  
201 Redwood Shores Parkway  
Redwood Shores, CA 94065  
(650) 802-3000

Kevin Kudlac  
WEIL, GOTSHAL & MANGES LLP  
8911 Capital of Texas Highway, Suite 1350  
Austin, TX 78759  
(512) 349-1930

Dated: June 19, 2007

**CERTIFICATE OF SERVICE**

I, Karen E. Keller, Esquire, hereby certify that on June 19, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

Jack B. Blumenfeld, Esquire  
Karen Jacobs Louden, Esquire  
Morris Nichols Arsh & Tunnell  
1201 North Market Street  
Wilmington, DE 19801

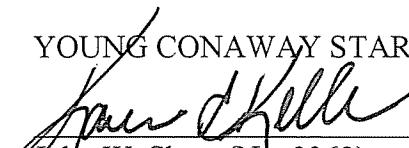
I further certify that on June 19, 2007, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following in the manner indicated:

**BY E-MAIL**

Robert C. Morgan, Esquire  
Laurence S. Rogers, Esquire  
Steven Pepe, Esquire  
ROPES & GRAY LLP  
1211 Avenue of the Americas  
New York, NY 10036

Norman H. Beamer, Esquire  
ROPES & GRAY LLP  
525 University Avenue  
Palo Alto, CA 94301

YOUNG CONAWAY STARGATT & TAYLOR, LLP

  
John W. Shaw (No. 3362)

jshaw@ycst.com

Karen E. Keller (No. 4489)

kkeller@ycst.com

The Brandywine Building  
1000 West Street, 17th Floor  
Wilmington, Delaware 19801  
(302) 571-6600

*Attorneys for Intel Corporation*

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**[PROPOSED] ORDER GRANTING INTEL CORPORATION'S MOTION TO STAY  
THIS ACTION PENDING REEXAMINATION OF TRANSMETA'S PATENTS-IN-SUIT**

The Court, having considered the papers submitted in connection with Intel's motion to stay this action pending reexamination of Transmeta's patents-in-suit, arguments of counsel, and the law, and good cause appearing therefore,

IT IS HEREBY ORDERED that Intel's motion to stay this action pending reexamination of Transmeta's patents-in-suit is GRANTED. The stay is hereby in effect until the final resolution of the reexaminations of all eleven of Transmeta's patents-in-suit.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_ 2007.

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U.S. District Judge